

DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

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FIRST ENDANGERED SPECIES REVIEW BOARD CONSIDERS PITTSTON REFINERY REQUEST FOR EASTPORT, MAINE

An Endangered Species Review Board--the first to be appointed under legislation passed in 1978--has begun considering the case of the Pittston Company, the bald eagles, and the whales in the area surrounding Eastport, Maine, where Pittston wants to build a large oil refinery.

The company seeks permits to build a 250,000-barrel-per-day refinery and marine terminal at the coastal town. Among its current obstacles are formal opinions by the U. S. Fish and Wildlife Service, an Interior Department agency, that the refinery is likely to jeopardize the bald eagle's continued existence in that vicinity, and a statement by the National Marine Fisheries Service, a Commerce Department agency, that granting the permit might violate the Endangered Species Act because of potential jeopardy to whales. The Environmental Protection Agency has denied Pittston's application for a waste water discharge permit under the Clean Water Act, and Pittston has also filed an appeal of EPA's permit denial.

Under the Endangered Species Act Amendments adopted by Congress in 1978, a Review Board has been appointed consisting of Dr. Laurence E. Lynn, professor of public policy at Harvard University; John E. Menario, President of the Greater Portland (Maine) Chamber of Commerce; and Administrative Law Judge Francis L. Young.

The Review Board will consider exemption applications dealing with both eagles and whales. Early in March, before the whale application was filed, a 90-day stay in the Review Board process was granted by Secretary of the Interior Cecil D. Andrus, to allow for more consultation on eagles. When consultation failed to resolve the matter, a combined proceeding was agreed to on both species.

If the Review Board decides the application meets the "threshold" requirements for consideration, it will prepare reports to be considered by the Endangered Species Committee, which then will proceed to decide whether the project should be exempted from the Act. The Committee is a Cabinet-level body chaired by the Secretary of the Interior, and its decisions are final, subject to court review.

A notice published in the Federal Register of June 12, 1979 sets out the dates for the various stages of the Review Board proceedings. Individuals, organizations or governmental agencies which may wish to intervene in the process have been invited to file their motions and suggestions by June 18 with the Endangered Species Review Board, c/o Office of Policy Analysis, Department of the Interior, 18th and C Streets, N. W., Washington, D. C. 20240. The Board is an independent body, as is the Endangered Species Committee, but Interior's Office of Policy Analysis handles some of the staff work for both bodies.

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